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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICOLE ELIZABETH NOWAK,

Defendant.

Case No.: 2:17-cr-325-RFB-VCF

**STIPULATION AND ORDER TO
CONTINUE SENTENCING**

(FIRST REQUEST)

IT IS HEREBY STIPULATED AND AGREED by and between Telia U. Williams, Esq., counsel for the defendant, NICOLE ELIZABETH NOWAK, and Phillip N. Smith, Jr., Esq., Assistant United States Attorney, counsel for the United States of America, that the sentencing hearing currently scheduled for Thursday, March 8, 2018 at 2:15pm, be vacated and continued to **the next day, Friday, March 9, 2018, at 3:30pm.** A proposed order is attached herein.

This Stipulation is entered into for the following reasons:

1. Undersigned counsel has been attempting for several weeks to negotiate the compressed schedule of an expert psychiatrist, Norton Roitman, M.D., to evaluate the defendant, Nicole Nowak, in time for her sentencing;
2. Dr. Roitman intends to visit with Ms. Nowak this week, if possible, but will need an additional day to provide a report to Ms. Nowak's counsel, and for said counsel to incorporate the same into a sentencing memorandum, if appropriate;

3. For confidential reasons that ought not be detailed in this stipulation, *in Ms. Nowak's counsel's estimation*, Dr. Roitman is the most suitable professional to evaluate Ms. Nowak, and a substitute for him would not be comparable;
4. At the same time, counsel for the United States and Ms. Williams, agree that a continuance of *greater than* one (1) day would not be suitable due to anticipated complicated scheduling conflicts of counsel, the plans of Ms. Nowak's family and friends to attend the hearing. Nor would a longer continuance be prudent for confidential reasons involving Ms. Nowak;
5. In addition, as aforementioned, Ms. Nowak expects to invite family and/or other supporters to her Sentencing Hearing on March 9, who, due to work obligations, cannot arrive prior to 3pm, and at least one of them, is expected to speak in her behalf. For this reason, it is requested that the hearing commence at 3:30pm.
6. Counsel for the United States has no objection to this continuance.
7. The defendant is in custody, and does not object to the continuance.
8. This is the first request for a continuance of the sentencing date.

Dated this 26th day of February, 2018.

Respectfully submitted,



Telia U. Williams, Esq.
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Attorney for defendant, Nicole Nowak

UNITED STATES ATTORNEY

/s/ Phillip N. Smith, Jr.

DAYLE ELIESON
Phillip N. Smith, Jr.
Assistant United States Attorney
Attorney for plaintiff, the United States

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 vs.
7 NICOLE ELIZABETH NOWAK,
8 Defendant.

Case No. 2:17-cr-325-RFB-VCf

**ORDER TO CONTINUE SENTENCING
DATE**

9 **FINDINGS OF FACT**

10 Based on the Stipulation of counsel, and good cause appearing therefore, the court finds that
11 the Stipulation by and between the United States and Nicole Nowak is entered into for the following
12 reasons:

- 13 1. Defense counsel needs additional time to obtain the report of an expert witness, which
14 she expects to incorporate into a sentencing memorandum for the upcoming sentencing hearing.
- 15 2. The defendant asks for a later time setting in order to accommodate the work
16 schedule of a supporter who anticipates speaking in her behalf.
- 17 3. The parties agree to the additional time, and specifically request a re-setting to **March**
18 **9, 2018, at 3:30pm.**
- 19 4. The defendant is in custody and does not object to the continuance.
- 20 5. This is the first request for a continuance of the sentencing date.
- 21 6. Additionally, denial of this request for continuance could result in a miscarriage of
22 justice.
- 23
- 24

25 For all of the above-stated reasons, the end of justice would best be served if defendant's
26 sentencing was rescheduled.

ORDER

IT IS ORDERED that the sentencing hearing currently scheduled for March 8, 2018, at 2:15pm, be vacated and continued to March 9 2018, at the hour of 3:30 PM in LV Courtroom 7C.

DATED this 26th day of February, 2018.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE